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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/544,279 | 08/03/2005 | Aliaksandr Alexeevich Antanouski | 2447.0060000 | 1358 |

54089 7590 03/31/2008

BARDMESSER LAW GROUP, P.C.
910 17TH STREET, N.W.
SUITE 800
WASHINGTON, DC 20006

| EXAMINER | |
|---|---|
| TANINGCO, MARCUS H | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2884 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/31/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/544,279 | ANTANOUSKI, ALIAKSANDR ALEXEEVICH | |
| | Examiner | Art Unit | |
| | MARCUS H. TANINGCO | 2884 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *01 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *10-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-12,14-20,22-26 and 28-30* is/are rejected.

7)☒ Claim(s) *13,21 and 27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 August 2005* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/1/2008 has been entered.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 contains the trademark/trade name BlueTooth. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or

trade name. In the present case, the trademark/trade name is used to identify/describe a type of wireless connection and, accordingly, the identification/description is indefinite.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10, 12, 16, 20, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile et al. (*Gentile*, US 2005/0205799).

With regards to claims 10 and 16, Gentile discloses a detector for detecting the presence of suspect radionuclides comprising: a detection unit to detect gamma, x-ray, and neutron radiation resulting from nuclear decay from a target object and emitting a corresponding signal thereto, said detection unit including a [*micro*]processor [0022]. In operation, the detector may include communicating not only the presence, but also the identity, of a radionuclide in a sample volume [0040-0042]. Although Gentile lacks a description of an expert system, Gentile does teach communication with appropriate personnel at a local or remote location [0042]. Providing an expert system to provide further instructions for use by the personnel would have been obvious at the time of the invention in order to provide a fast response time. Fig. 6 teaches a computer (*preprocessing unit for receiving and analyzing a detection signal having a display and information input device*) acquiring data from a MCA. The raw data is transmitted to a processor (*having a spectrum analysis unit*).

With regards to claim 12, Gentile discloses said preprocessing unit comprises a notebook (Fig. 6).

With regards to claims 20 and 22-25, Gentile discloses a detector for detecting the presence of suspect radionuclides comprising: a detection unit to detect gamma, x-ray, and neutron radiation resulting from nuclear decay from a target object and emitting a corresponding signal thereto, said detection unit including a [*micro*]processor [0022], wherein said detector only weighs 8 lbs (*thus teaching a portable handheld system*). In operation, the detector may include communicating not only the presence, but also the identity, of a radionuclide in a sample volume [0040-0042]. Although Gentile lacks a description of an expert system, Gentile does teach communication with appropriate personnel at a local or remote location [0042]. Providing an expert system to provide further instructions for use by the personnel would have been obvious at the time of the invention in order to provide a fast response time. Fig. 6 teaches a computer (*preprocessing unit for receiving and analyzing a detection signal having a display and information input device*) acquiring data from a MCA. The raw data is transmitted to a processor (*having a spectrum analysis unit*).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile et al. in view of Chan et al. (*Chan*, US 2003/0085163).

With regards to claim 11, Gentile discloses audio [0042] and video (Fig. 9) alerts, but fails to teach said connecting unit includes a channel for two-way transfer of audio and video information. Chan teaches an inspection station for the detection of suspect material, wherein said inspection stations are connected in a local network channel for two-way transfer of audio

and video information [0019]. It would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gentile with Chan in order to provide a network that can quickly act on alerts to contain the particular situation.

Claims 14, 15, 17-19, 26, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile et al.

With regards to claim 14, Gentile discloses said system may comprise multiple detector/identifiers [0044]. Gentile fails to teach each detector being connected to the preprocessing unit and including an identification marker. Nevertheless, the system taught by Gentile is provided to identify and locate potential threats, and would benefit from each detection unit having an identification marker. Thus, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gentile with identification markers in order to efficiently and accurately identify and locate potential threats. Having each detector connected to the preprocessing unit would also have been obvious in view of a more simple network and reduced personnel.

With regards to claim 15 and the common housing containing the detection unit and the preprocessing unit, those skilled in the art appreciate that, absent some degree of criticality, making the device integral would have been a matter of routine design choice that would have been within the skill of a person of ordinary skill in the art depending on the needs of the particular application.

With regards to claims 17, 26, and 28, Chan discloses said system may comprise a plurality detection units disposed at a plurality of check points [0044]. Gentile fails to teach a

GPS receiver. Nevertheless, the system taught by Gentile is provided to identify and locate potential threats, and would benefit from each detection unit having an identification marker. Thus, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gentile with a GPS receiver in order to efficiently and accurately identify and locate potential threats.

With regards to claim 18, Gentile discloses a detector for detecting the presence of suspect radionuclides comprising: a detection unit to detect gamma, x-ray, and neutron radiation resulting from nuclear decay from a target object and emitting a corresponding signal thereto, said detection unit including a [*micro*]processor [0022]. In operation, the detector may include communicating not only the presence, but also the identity, of a radionuclide in a sample volume [0040-0042]. Although Gentile lacks a description of an expert system, Gentile does teach communication with appropriate personnel at a local or remote location [0042]. Providing an expert system to provide further instructions for use by the personnel would have been obvious at the time of the invention in order to provide a fast response time. Fig. 6 teaches a computer (*preprocessing unit for receiving and analyzing a detection signal having a display and information input device*) acquiring data from a MCA. The raw data is transmitted to a processor (*having a spectrum analysis unit*). Although not specifically taught, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gentile with a channel to one of a national emergency warning system in order to provide immediate response.

With regards to claim 19, Chan discloses said system may comprise a plurality detection units disposed at a plurality of check points [0044]. Gentile fails to teach a GPS receiver. Nevertheless, the system taught by Gentile is provided to identify and locate potential threats,

and would benefit from each detection unit having an identification marker. Thus, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gentile with a GPS receiver in order to efficiently and accurately identify and locate potential threats.

With regards to claim 29, Gentile discloses said system is connected to a laptop that includes a [*micro*]processor for the analyzing of the radiation spectra [0022]. With regards to connecting using BlueTooth, those skilled in the art appreciate that, absent some degree of criticality, providing the specific type of connection would have been a matter of routine design choice that would have been within the skill of a person of ordinary skill in the art depending on the needs of the particular application.

With regards to claim 30, Gentile discloses a detector for detecting the presence of suspect radionuclides comprising: a detection unit to detect gamma, x-ray, and neutron radiation resulting from nuclear decay from a target object and emitting a corresponding signal thereto, said detection unit including a [*micro*]processor [0022], wherein said detector only weighs 8 lbs (*thus teaching a portable handheld system*). In operation, the detector may include communicating not only the presence, but also the identity, of a radionuclide in a sample volume to appropriate personnel at a local or remote location [0040] thereby allowing appropriate personnel to evaluate the situation [0042]. Fig. 6 teaches a computer (*preprocessing unit for receiving and analyzing a detection signal having a display and information input device*) acquiring data from a MCA. The raw data is transmitted to a processor (*having a spectrum analysis unit*). Gentile fails to teach a GPS receiver. Nevertheless, the system taught by Gentile is provided to identify and locate potential threats, and would benefit from each detection unit

having an identification marker. Thus, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Gentile with a GPS receiver in order to efficiently and accurately identify and locate potential threats.

**Allowable Subject Matter**

Claims 13, 21 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With regards to claim 13, prior art fails to teach said preprocessing unit includes an optical scanner.

With regards to claims 21 and 27, prior art fails to teach said system comprises a mobile telephone that includes a microprocessor for the analyzing of the radiation spectra.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus H. Taningco whose telephone number is (571) 272-1848. The examiner can normally be reached on M - F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Constantine Hannaher/**
**Primary Examiner, Art Unit 2884**

***/Marcus H Taningco/***
***Examiner, Art Unit 2884***